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14 UNITED STATES BANKRUPTCY COURT
15 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
16

17 In re
18 PG&E Corporation,
19 and
20 PACIFIC GAS AND ELECTRIC
COMPANY,
21 Debtors.
22

Case No. 19-30088-DM

Chapter 11
Lead Case, Jointly Administered

**DECLARATION OF JOHN MORENO IN
SUPPORT OF REPLY TO PG&E'S
OPPOSITION TO MOTION FOR RELIEF
FROM PLAN INJUNCTION, TO
COMPEL ARBITRATION AND/OR
ABSTENTION**

23 ☐ Affects PG&E Corporation
24 ☒ Affects Pacific Gas and Electric Company
☐ Affects both Debtors

25 *All papers shall be filed in the Lead Case,
26 No. 19-30088-DM,
27
28

Date: September 29, 2021
Time: 10:00 a.m.
Crtrm.: Courtroom 17
450 Golden Gate Avenue
San Francisco, CA 94102
Judge: Hon. Dennis Montali

1 I, John Moreno, declare:

2 1. I am over the age of eighteen (18), provide this declaration in support of Fulcrum
3 Credit Partners, LLC's Reply to Pacific Gas and Electric Company's ("PG&E") Opposition to
4 Motion for Relief from Plan Injunction, to Compel Arbitration And/or for Abstention, and provide
5 this testimony based on my personal knowledge, and would testify consistently herewith if called
6 to do so.

7 2. I am the Vice President and Chief Estimator for Sierra West Group ("Sierra").
8 Sierra is a leader in the construction cost estimating industry and has been working on projects
9 across the United States for over 25 years. Sierra specializes in the preparation of construction
10 cost estimates, budget preparation, and claims analysis. Sierra is also the publisher of multiple
11 nationally recognized construction cost estimating manuals that provide a widely utilized and
12 respected resource for current construction costs (the "Pricing Guides"). These publications have
13 been published for 53 consecutive years.

14 3. Personally, I have over 25 years of construction cost estimating experience. During
15 my tenure as a cost estimator with Sierra, I have worked on a wide array of projects in both the
16 private and public sectors. In total, I have prepared and worked on hundreds of cost estimates on a
17 wide variety of projects.

18 4. In early September 2020, Tuscan Ridges Associates, LLC ("Tuscan") hired Sierra
19 to prepare an Opinion of Probable Cost ("OPC") to restore the real property in Paradise California
20 commonly identified as Assessor's Parcel Nos. 040-520-103 and 040-520-100 (collectively the
21 "Property") to its "Baseline Condition." It is my understanding that the "Baseline Condition" is
22 defined to mean that Pacific Gas & Electric Company ("PG&E") is required to restore the
23 Property, "including the roads and parking lot(s) [and] any areas of ingress and egress" to "as
24 good of a condition as it was prior to PG&E's use of the area..."

25 5. I further understand that the Baseline Condition does not include the restoration of
26 "sod, turf and grass... bunkers, ponds, sprinkler systems and related improvements." As such, I
27 excluded such restoration costs from my analysis.

28 ///

1 6. To prepare the OPC and establish the "baseline condition" of the Property, I
2 reviewed conceptual models and site plans, which were provided to me on September 2, 2020. The
3 conceptual models and site plans I reviewed as the basis for the OPC, true and correct copies of
4 which are attached as **Exhibit A** to this Declaration, were prepared as of February 17, 2019 and
5 depict the condition of the Property as of that date. I also reviewed the Cost Estimate prepared by
6 Algie Pulley, the golf course's original architect, and Melton Design Group ("Melton Estimate").

7 7. In addition to reviewing February 17, 2019 documents contained in Exhibit A, I
8 discussed the proposed project with the engineers and the owners, and confirmed measurements
9 using Google Earth and CAD software.

10 8. After obtaining the necessary factual information, I performed a quantitative and
11 qualitative analysis to prepare the OPC setting forth the project's estimated costs. For pricing
12 information, I used Sierra's nationally recognized Pricing Guides discussed above. A true and
13 correct copy of the OPC I prepared for Tuscan Ridge Associates, LLC is attached hereto as
14 **Exhibit B**.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing statements are true and correct.

17 September 22 2021

18
19 By:


JOHN MORENO

EXHIBIT A

EXHIBIT A

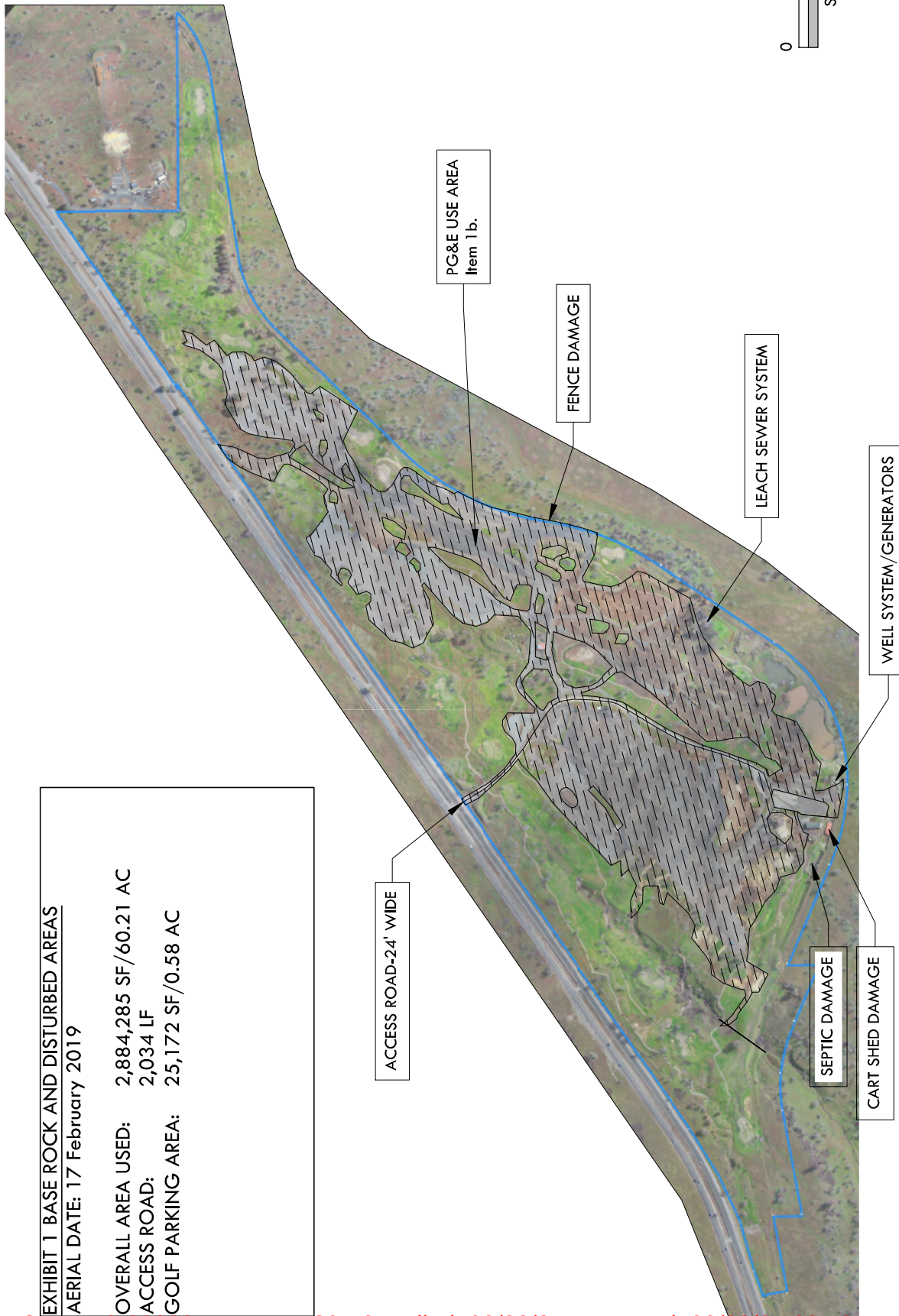
EXHIBIT 1 BASE ROCK AND DISTURBED AREAS

AERIAL DATE: 17 February 2019

OVERALL AREA USED: 2,884,285 SF/60.21 AC

ACCESS ROAD: 2,034 LF

GOLF PARKING AREA: 25,172 SF/0.58 AC



TUSCAN RIDGE

EXHIBIT 1 - BASE ROCK AND DISTURBED AREA



PROJECT # 2147.7
DATE:

EXHIBIT 2 ROAD PARKING PATH

AERIAL DATE: 17 February 2019

OVERALL AREA USED: 2,884,285 SF/60.21 AC

ACCESS ROAD: 2,034 LF

GOLF PARKING AREA: 25,172 SF/0.59 AC

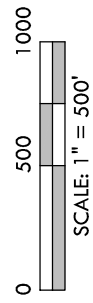
SEE SEPARATE EXHIBIT FOR GOLF CART PATH

ACCESS ROAD-24' WIDE
Item 2a.

BISTRO PARKING LOT
Item 2b.

SEPTIC DAMAGE

CART SHED DAMAGE



TUSCAN RIDGE

EXHIBIT 2 - ACCESS ROAD, PARKING, CART PATH DAMAGE

EXHIBIT 2a. CART PATH
AERIAL DATE: 17 MAY 2018
CART PATH: 12450 LF
ITEM 2c.

CART PATH IMPACTED BY PG&E
USE i.e. DAMAGE AND EROSION
Item 2c.

CART PATH WITHIN PG&E USE AREA
Item 2c.

PG&E USE AREA



EXHIBIT 3 SOIL REPLACEMENT	
SERIAL DATE: 17 February 2019	
OVERALL AREA USED:	2,884,285 SF/60.21 AC
ACCESS ROAD:	2,034 LF
GOLF PARKING AREA:	25,172 SF/0.59 AC
AREAS WITHIN PGE DAMAGE	
GREENS:	SF
TEES:	SF
FAIRWAY:	SF



EXHIBIT 4 - COURSE RESTORATION

SERIAL DATE: 17 February 2019

OVERALL AREA USED: 2,884,285 SF/60.21 AC
ACCESS ROAD: 2,034 LF
GOLF PARKING AREA: 25,172 SF/0.59 AC

AREAS WITHIN PGE DAMAGE

GREENS:	SF
TEES:	SF
FAIRWAY:	SF



EXHIBIT 5 TESTING

AERIAL DATE: 17 February 2019

OVERALL AREA USED: 2,884,285 SF / 60.21 AC

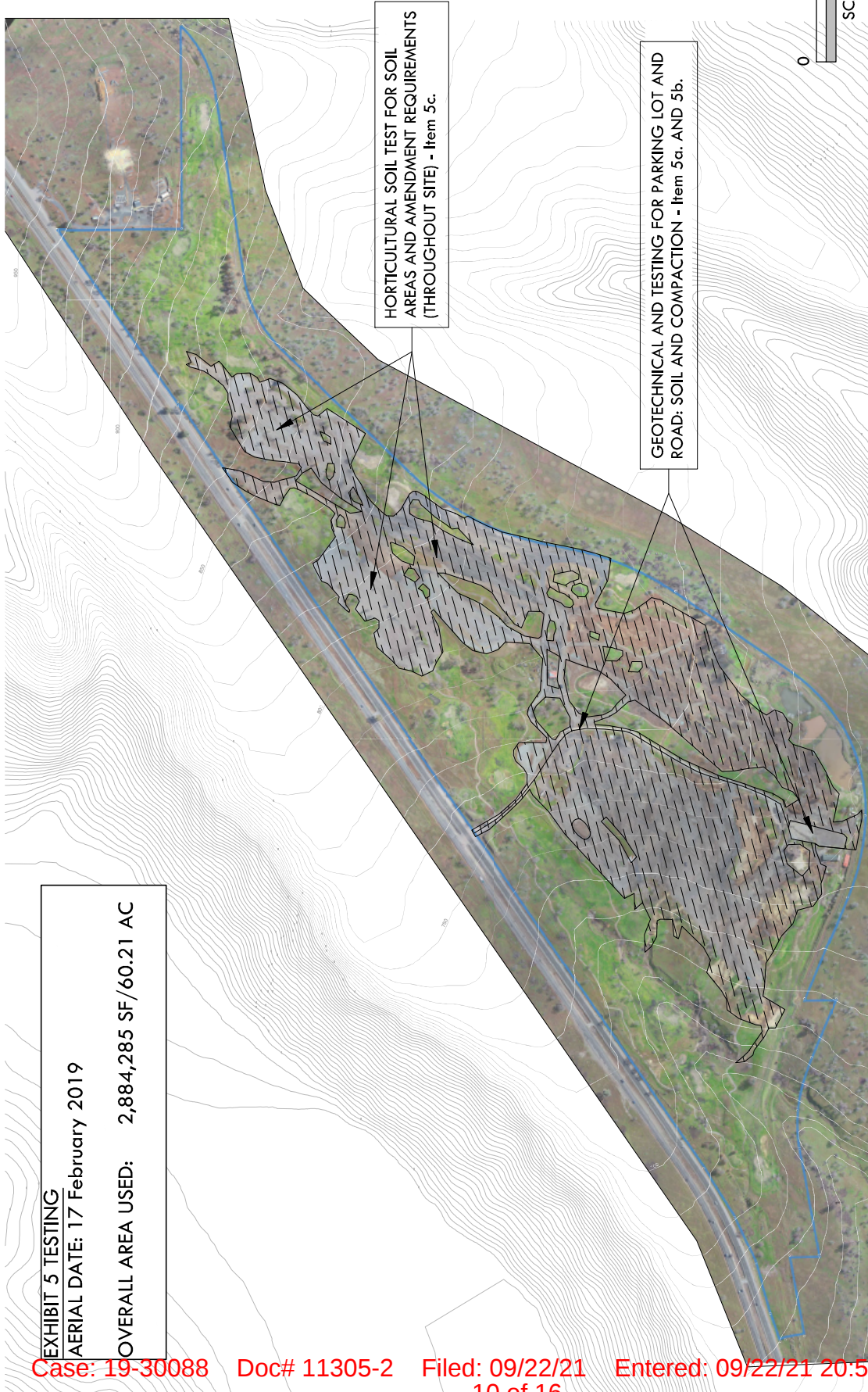


EXHIBIT B

EXHIBIT B

PREFACE TO OPINION OF PROBABLE COST

The Opinion of Probable Cost hereunder has been compiled from drawings and specifications believed to be an accurate portrayal of the project as drawn and indicated by the architect and/or engineers on drawings. If said drawings and specifications are incomplete, the project cost engineer has included those items which would usually appear in final drawings and specifications for a complete project in a manner ordinarily prudent under the circumstances. Specialty items unknown to the cost engineer will not normally be included unless communicated through the architect and/or engineers.

The user is cautioned that changes in the scope of the project or the drawings and specifications after the Opinion of Probable Cost has been submitted can cause cost changes and the cost engineer should be notified for appropriate addenda to be issued to the Opinion of Probable Cost.

Escalation has been added to the Opinion of Probable Cost to the anticipated NTP of construction on the whole project. The escalation is based on a starting date believed to be accurate; however, unwarranted delays should be cause for added escalation at the current rate.

The Opinion of Probable Cost has also been adjusted for geographical location based on local material and labor rates as well as local construction practice in a non prevailing wage environment.

In the current Seller's market for construction, our experience show the following results on competitive bids, as a differential from final Opinion of Probable Cost.

1 Bid, (Sole Sourced or Negotiated)	+ 15% to +38%
2 - 3 Bids	+ 8% to +12%
4 - 5 Bids	+ 4% to - 4%
6 - 7 Bids	- 5% to - 7%
8 or more bids	- 8% to - 20%

Accordingly, it is extremely important that the owner maintain continuous contact with the bidders during the bid period to assure a minimum of 4 - 5 Bids

Opinion of Probable Cost

An Opinion of Probable Cost of cost shall be construed as an indefinite evaluation of cost based on similar structures, produced from plans and/or criteria during early stages of design commonly indicated as schematic or concept level. The cost engineer will add items which are not on the plans and use judgment but cannot know in total what the architect/engineer will later include.

In providing Opinion of Probable Costs, the Client understands that the consultant has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the Consultant's Opinion of Probable Costs are made on the basis of the Consultant's professional judgment and experience and historical costs and data as the basis of pricing. The Consultant makes no warranty, express or implied than the bids or the negotiated cost of the work will not vary from the Consultant's Opinion of Probable Cost.

The Opinion of Probable Cost is comprised of a survey of the quantities measured from the plans and specifications beyond the schematic stage commonly known as design development or working drawings. The estimator will add those items which may not appear on the plans but which he deems may latter be included by the Architect & Engineers.

The total cost is based on the work being performed by a single prime contractor in a continuous phase with construction.

The Opinion of Probable Cost will make the assumption that the following will be covered separately or not required for this project, unless specifically noted.

1. Hazardous abatement
2. Offsite work
3. Utility company fees, unless otherwise noted.
4. Any unforeseen subterranean conditions or objects

CONTINGENCY

The Owner and the Consultant agree that certain costs and changes may be required, and therefore, the final construction cost of the Project may exceed the Opinion of Probable Cost.

BID

An offer to enter into a contract at a fixed price good for a limited length of time.

SOFT COSTS

These costs are related to those items in a project that are necessary to prepare and complete the non-construction needs of the project. Soft costs include the architect's fees, the construction management services, the engineering reports and fees, the appraisal fee, the toxic report fee, owner contingencies, inspections, bidding/ award costs, any government fees - including the plan check fee, the cost of the building permit, any assessments, any sewer and water hook-up fees. These costs are related to those items in a project that are necessary to prepare and complete the non-construction needs of the project. Soft costs do not include construction, telecommunications, furnishings, fixed equipment, and expenditures for any other permanent components of the project.

Tuscan Ridge Golf Course
Tuscan Ridge Associates, LLC
Remediation Cost Report



SITE SUMMARY

GROSS ACRES: 60.2

DATE: 21-Sep-20

ARCHITECT: Melton Design Group

DIVISION	DESCRIPTION	TRADE COST	COST PER ACRE	SYSTEM QUANTITY	UNIT	COST PER SYSTEM	SYSTEM/ ACRE
1.0	SUBTOTAL-GENERAL REQUIREMENTS	\$789,048	\$13,105	60.2	AC	\$13,105	1.000
2.0	SUBTOTAL-EXISTING CONDITIONS	\$116,871	\$1,941	60.2	AC	\$1,941	1.000
31.0	SUBTOTAL-EARTHWORK	\$7,527,783	\$125,025	60.2	AC	\$125,025	1.000
32.0	SUBTOTAL-EXTERIOR IMPROVEMENTS	\$744,488	\$12,365	60.2	AC	\$12,365	1.000
33.0	SUBTOTAL- SITE UTILITIES	\$64,890	\$1,078	60.2	AC	\$1,078	1.000

TOTAL SUBCONTRACT COST	\$9,243,080	\$153,514
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GENERAL CONDITIONS - STAFFING ONLY		\$372,000
CONTINGENCY - UN DOCUMENTED NEEDS	5.0%	\$480,754
ESCALATION		\$706,708

SUBTOTAL	\$10,802,542	\$179,414	AC
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BONDS AND INSURANCE	2.0%	\$216,051
OVERHEAD AND PROFIT	4.0%	\$440,744

NOTE: ESTIMATED AS A TRADITIONAL DESIGN/ BID/ BUILD DELIVERY UTILIZING OPEN SHOP WAGES

SUBTOTAL MARK UPS	\$11,459,337
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SUBTOTAL CONSTRUCTION

	Months	Monthly Escalation
Escalation From Estimate to Midpoint of Construction - 6/2022	21	0.33%

TOTAL HARD CONSTRUCTION ON BID DAY	\$11,459,337	\$190,323	AC
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SOFT COSTS

CONTINGENCY - UNFORESEEN CONDITIONS DURING CONSTRUCTION (CHANGE ORDERS)	2.5%	\$286,483
DESIGN AND ENGINEERING FEES	8.0%	\$916,747
TECHNICAL REPORTS (CEQA, GEO TECH, ARBORIST)	LS	\$25,000
CONSTRUCTION MANAGER FEE	3.0%	\$343,780
TESTING AND INSPECTIONS	1.0%	\$114,593
BID AND AWARD	0.5%	\$57,297
PERMITS/ PLAN CHECK	0.75%	\$85,945

TOTAL PROJECT COST	\$13,289,182	\$220,714	AC
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Tuscan Ridge Golf Course
Tuscan Ridge Associates, LLC
Remediation Cost Report



ARCHITECT: Melton Design Group

ACRES: 60.2

DATE: 21-Sep-20

BY: J. Moreno

SITE WORK							
DIVISION		DESCRIPTION	QUAN.	UNIT	UNIT COST	TOTAL	COST/ PER ACRE
		MOBILIZATION/ DEMOBILIZATION	1	LOT	\$15,000.00	\$15,000	\$249
		PERMITS				BY OTHERS	
		LAYOUT SITE - 4 MAN CREW	4	WKS	\$28,800.00	\$115,200	\$1,913
		LAYOUT UTILITIES	24	HRS	\$180.00	\$4,320	\$72
		STAKING DAMAGE/ RE-SET	40	HRS	\$180.00	\$7,200	\$120
		WATER TRUCK W. OPERATOR	12	MOS	\$11,460.00	\$137,520	\$2,284
		CONSTRUCTION FENCING - STAGING/ PED. ACCESS	2,000	LF	\$8.00	\$16,000	\$266
		MATERIALS TESTING				SEE SOFT COSTS ON SUMMARY	
		JOB TRAILER	12	MOS	\$1,750.00	\$21,000	\$349
		SET UP AND REMOVE JOB TRAILER	1	LOT	\$5,000.00	\$5,000	\$83
		CONSUMABLES	12	MOS	\$100.00	\$1,200	\$20
		TEMPORARY TOILETS	40	T/MOS	\$250.00	\$10,000	\$166
		SMALL TOOLS	12	MOS	\$200.00	\$2,400	\$40
		DEBRIS BINS	10	EA	\$650.00	\$6,500	\$108
		GAS, OIL, TRUCK	12	MOS	\$1,500.00	\$18,000	\$299
		CELL PHONE	12	MOS	\$200.00	\$2,400	\$40
		FIRST AID/ TRAINING/ SAFETY SUPPLIES	12	MOS	\$500.00	\$6,000	\$100
		PROJECT SIGN	2	EA	\$500.00	\$1,000	\$17
		FINAL PUNCH LIST/ CLOSEOUT	80	HRS	\$180.00	\$14,400	\$239
		TEMPORARY POWER - SET UP	1	LOT	\$1,500.00	\$1,500	\$25
		TEMPORARY POWER - MONTHLY USEAGE	12	MOS	\$300.00	\$3,600	\$60
		WATER USAGE (PROPANE GAS GENERATORS @ 25GAL @ \$2.75/GAL PER HOUR/ 20HRS PER DAY) -					
		DUST CONTROL/ LANDSCAPE MAINTENANCE	240	DAYS	\$1,375.00	\$330,000	\$5,481
		POT HOLE AND VIDEO SURVEY (E) UNDERGROUND					
		INFRASTRUCTURE	1	LOT	\$2,500.00	\$2,500	\$42
	NOTE:	FLUSH AS NECESSARY	1	LOT	TBD		
		STAGING AREA CLEAN UP/ REMEDIATION	5,000	SF	\$5.00	\$25,000	\$415
		UNDISTRIBUTABLE LABOR - SWPPP MAINTENCE, ETC	768	HRS	\$56.39	\$43,308	\$719
1.0 SUBTOTAL-GENERAL REQUIREMENTS			60.2	AC		\$789,048	\$13,105
		REMOVE AC PAVING - ACCESS ROAD	48,816	SF	\$1.26	\$61,508	\$1,022
		REMOVE AC PAVING - PARKING LOT	25,172	SF	\$1.26	\$31,717	\$527
		REMOVE PCC PAVING AT DRIVING RANGE	1,902	SF	\$2.65	\$5,040	\$84
		OFF HAUL AC PAVING - TRUCKING ONLY	1,518	TONS	\$4.14	\$6,284	\$104
		SAWCUTTING ALLOWANCE	1	LOT	\$5,000.00	\$5,000	\$83
		TRAFFIC SAFETY/ ROADWAY CLEAN UP	48,816	SF	\$0.15	\$7,322	\$122
1.0 SUBTOTAL-EXISTING CONDITIONS			60.2	AC		\$116,871	\$1,941

Tuscan Ridge Golf Course
Tuscan Ridge Associates, LLC
Remediation Cost Report



ARCHITECT: Melton Design Group

ACRES: 60.2

DATE: 21-Sep-20

BY: J. Moreno

SITE WORK							
DIVISION		DESCRIPTION	QUAN.	UNIT	UNIT COST	TOTAL	COST/ PER ACRE
		REMOVE BASE ROCK - LOADER WITH OPERATOR	2	MOS	\$22,351.20	\$44,702	\$742
		TRUCKING - 12 MILE HAUL, 30 MPH, 1 CYCLE PER HR - 40TNS PER CYCLE	2,875	HR	\$150.00	\$431,250	\$7,162
	NOTE:	3000LBS PER CYD/ 1.5TONS	PER	TON	\$4.14	ACUTAL UNIT COST TO DISPOSE	
		CLEAR AND GRUB/ STOCK PILE	2,884,285	SF	\$0.08	\$230,743	\$3,832
		OFF HAUL DEBRIS - 3" AVG.	43,264	TON	\$4.14	\$179,114	\$2,975
		DISPOAL FEE FOR DEBRIS	43,264	TON	TBD		
		ROUGH GRADING	2,884,285	SF	\$0.31	\$894,128	\$14,850
		IMPORT SOILS OUTSIDE OF GOLF AREAS - 6"	20,399	CYDS	\$15.00	\$305,979	\$5,082
		IMPORT SOILS AT FAIRWAYS, TEES, GREENS - 12"	73,646	CYDS	\$15.00	\$1,104,690	\$18,347
		IMPORT TOP/ LOAM SOILS AT FAIRWAYS, TEES, GREENS - 6"	36,823	CYDS	\$35.00	\$1,288,805	\$21,405
		IMPORT SAND TO BUNKERS/ GREENS - 12"	5,897	CYDS	\$95.00	\$560,211	\$9,304
		IMPORT SOILS FOR COUNTORING/ MOUNDS	14,400	CYDS	\$15.00	\$216,000	\$3,587
		SOIL AMENDMENTS	2,884,285	SF	\$0.15	\$432,643	\$7,186
		COMPACTION TO IMPORTED SOILS	145,268	CYDS	\$2.65	\$384,959	\$6,394
		FINE GRADING/ CONTOURING TO IMPORT SOILS	2,884,285	SF	\$0.39	\$1,124,871	\$18,682
		FINE GRADING TO BUNKERS/ GREENS/ TEES - HAND SCARIFY AND COMPACT NATIVE SOILS TO PAVING/ CART PATHS	159,527	SF	\$0.75	\$119,645	\$1,987
		FINE GRADING TO PAVING/ CART PATHS	173,588	SF	\$0.47	\$81,586	\$1,355
		FINE GRADING TO PAVING/ CART PATHS	173,588	SF	\$0.39	\$67,699	\$1,124
		STORM WATER POLLUTION PREVENTION PLAN	173,588	SF	\$0.35	\$60,756	\$1,009
2.0 SUBTOTAL-EARTHWORK			60.2	AC		\$7,527,783	\$125,025
		AC PAVING TO ACCESS ROAD	48,816	SF	\$5.97	\$291,432	\$4,840
		AC PAVING TO PARKING	25,172	SF	\$4.70	\$118,308	\$1,965
		STRIPING	73,988	SF	\$0.25	\$18,497	\$307
		AC PAVING TO CART PATHS	99,600	SF	\$2.70	\$268,920	\$4,466
		PCC PAVING TO DRIVING RANGE	1,902	SF	\$14.13	\$26,875	\$446
		RETAINING WALL	319	SF	\$40.00	\$12,740	\$212
		COBBLE STONE TO TEE BOXES/ HAND PLACE	51	TONS	\$150.00	\$7,716	\$128
		TREE DAMAGES - PER ARBORIST	5	EA	\$2,500.00	\$12,500	\$208
32.0 SUBTOTAL-EXTERIOR IMPROVEMENTS			60.2	AC		\$744,488	\$12,365
		STORM DRAIN					
		REMOVE (E) SD PIPING	236	LF	\$20.00	\$4,720	\$78
		EXCAVATE, BACKFILL, COMPACT - SD LINE- 24" - 29'D	638	CYDS	\$41.44	\$26,439	\$439
		EXCAVATE, BACKFILL, COMPACT - SD LINE- 24" - 5'D	330	CYDS	\$41.44	\$13,675	\$227
		SD LINE- 24" - MATERIALS	236	LF	\$21.00	\$4,956	\$82
		SD LINE- 24" - PLACE/ LABOR - 2MAN CREW	8	DAYS	\$1,887.52	\$15,100	\$251
	NOTE:	SHORING NOT ANTICIPATED					
33.0 SUBTOTAL- SITE UTILITIES			60.2	AC		\$64,890	\$1,078

Tuscan Ridge Golf Course
Tuscan Ridge Associates, LLC
Remediation Cost Report



ARCHITECT: Melton Design Group

ACRES: 60.2

DATE: 21-Sep-20

BY: J. Moreno

SITE WORK							
DIVISION	DESCRIPTION	QUAN.	UNIT	UNIT COST	TOTAL	COST/ PER ACRE	
	BLDG SUBTOTAL				\$9,249,330	\$153,618	
	GENERAL CONDITIONS			<u>\$372,000.00</u>			
	PROJECT MANAGER	12	MOS	\$13,000.00	\$156,000	\$2,591	
	SUPERINTENDENT	6	MOS	\$16,000.00	\$96,000	\$1,594	
	PROJECT ENGINEER	12	MOS	\$10,000.00	\$120,000	\$1,993	
	CONTINGENCY - UNDOCUMENTED NEEDS		5.0%		\$481,066	\$7,990	
	ESCALATION				\$706,708		
TOTAL ON BID DAY PER BUILDING					\$10,809,105		
	BONDS AND INSURANCE		2.00%		\$216,182	\$3,590	
	OVERHEAD AND PROFIT		4.0%		\$441,011	\$7,325	
						COST PER ACRE	
TOTAL HARD CONSTRUCTION ON BID DAY					\$11,466,298	\$190,438	